

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/829,558  
Filed: April 22, 2004  
Inventor(s):  
Willard, et al.  
Title: SYSTEM FOR MANAGING  
DATA IN A DISTRIBUTED  
COMPUTING SYSTEM

§ Examiner: Corrielus, Jean M.  
§ Group/Art Unit: 2162  
§ Atty. Dkt. No: 5266-10500  
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/ Rory D. Rankin /

Signature

July 10, 2008

Date

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated below.

Applicant is in receipt of the Advisory Action mailed April 29, 2008. Claims 1-25 remain pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks.

Claims 1-16 and 21-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,038,319 (hereinafter “Chari”) in view of U.S. Patent Number 6,337,951 (hereinafter “Campbell”). Also, claims 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication Number 20020059645 (hereinafter “Soopenberg”) in view of U.S. Patent Number 6,337,951 (hereinafter “Campbell”). The following clear errors in the Examiner’s rejection are noted.

Claim 1 recites a method for managing data in a distributed computing system, which includes

“receiving additional data corresponding to said application, wherein said additional data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules”.

Both in the Office Action dated January 6, 2008 and a previous Office Action, it is suggested that Campbell discloses these features of claim 1 in the following:

“In response to the user identification and user module data, the host processor sends, over the communications channel, a host origin date for a host module corresponding to the user module. Responsive to receiving the host origin date for the host module, the user processor compares the host origin date for the host module to the user origin date for the corresponding user module. In response to determining that the host origin date is more recent than the user origin date, the user processor identifies those host module blocks of information, within the host module, having origin dates more recent than corresponding user module blocks of information, within the user module, as updated blocks. The riser processor then downloads to the user memory the updated blocks. Alternatively, in a secondary embodiment, the network may be configured such that, in response to determining that the host origin date is more recent than the user origin date, the user processor downloads the host module and replaces the user module with the downloaded host module.” (Campbell, col. 6, lines 46-64, emphasis added).

In Campbell, the user processor receives a host origin date. However, the host origin date is simply a date and is not an identification of “fewer than all of said plurality of modules”. The host origin date is data within a host module and it is compared to data in the user module, such as the user origin date. In Campbell, in the user terminal, which receives the host origin date, the user module is identified by the user identification data and not by the host origin date. The host origin date may not have the same value as the user origin date of any user module, much less of the user module identified by the user identification data. Therefore, the host origin date does not identify a user module. For at least these reasons, claim 1 is patently distinct from the cited art.

Furthermore, even if the host origin date were equivalent to “additional data that identifies fewer than all of said plurality of modules”, the host origin date does not identify “an update to be made to one or more of said first module and said plurality of modules”. In Campbell, in order to identify “an update to be made,” the user processor must compare the host origin date for the host module to the user origin date for the corresponding user module. The host origin date does not identify “an update to be made.” Rather, the host origin date simply serves as data input to a process that may or may not result in an identification of an update to be made. For at least these additional reasons, claim 1 is patently distinct from the cited art.

Also, claim 1 recites “...additional data identifies... an update to be made to one or more of said first module and said plurality of modules”. Campbell does not disclose an update of said first module “which identifies a plurality of modules.” In Campbell, the user identification data identifies a user module. However, the user identification data is not updated by the host origin date or by the host module. Additionally, in Campbell, the host module may be used to update a single user module, but the host module is not used to update a plurality of user modules as shown in the above disclosures. For at least these reasons, claim 1 is believed patently distinguishable from the cited reference.

As each of the independent claims 9 and 21 include features similar to claim 1, claims 9 and 21 are patently distinguished from the cited references alone or in combination for similar reasons. As each of dependent claims 2-8, 10-16, and 22-25 includes the features of the independent claims on which it depends, each of dependent claims 2-8, 10-16, and 22-25 is patently distinct for at least the above reasons.

Also, claim 17 recites, in relevant part

“... a processing mechanism configured to:  
generate a plurality of modules corresponding to said data;  
generate a first module which identifies said plurality of modules;  
convey said first module and said plurality of modules; and  
determine a change to said plurality of modules is required;  
generate a second module which identifies fewer than all of said plurality of  
modules and which identifies said change; and  
convey said second module.” (Emphasis added).

Both in the Office Action dated January 6, 2008 and a previous Office Action, it is suggested that Campbell discloses the highlighted features. These rejections rely on the same teachings of Campbell as were cited in the rejection of claim 1. In Campbell, as noted above, the user processor receives a host origin date. However, the host origin date is simply a date and is not “a second module which identifies fewer than all of said plurality of modules and which identifies said change,” as is recited in claim 17. The host origin date is data within a host module and it is compared to data in the user module, such as the user origin date. In Campbell, in the user terminal, which receives the host origin date, modules are identified by the user identification data and not by the host origin date. The host origin date may not have the same value as the user origin date of any user module, much less of the user module identified by the user identification data. Therefore, the host origin date does not identify “fewer than all of said plurality of modules,” as is recited in claim 17. Also, in Campbell, in order to identify a particular change that is required, the user processor must compare the host origin date for the host module to the user origin date for the corresponding user module. The host origin date does not identify “a change to said plurality of modules is required.” Rather, the host origin date simply serves as data input to a process that may or may not result in a determination that a change to said plurality of modules is required. Nor are these features found in Soepenber. For at least these additional reasons, claim 17 is patently distinct from the cited art. As each of dependent claims 18-20 includes the features of claim 17 on which it depends, each of dependent claims 18-20 is patently distinct for at least the above reasons.

In addition, Applicant maintains the arguments presented in response to the Office Action dated June 28, 2007 directed to Soepenber regarding claim 1 are still valid with respect to claim 17. Regarding claim 17, on page 6 of the Office Action dated January 6, 2008, it is suggested Soepenber discloses a server configured to “generate a first module which identifies said plurality of modules,” at [0010] and [0016]. However, the cited portion of Soepenber teaches

“Since modules are broadcast in MPEG-2 transport streams, and each module is broadcast in the private data sections of an elementary stream, then typically a large number of modules will share the same elementary stream and a complete object carousel will generally be carried on only a limited number of elementary streams (typically fewer than 5).” [0010]

“In a transmission system, or transmitter or receiver component thereof as recited above, the file and directory modules may be comprised in discrete data portions carried in an elementary data stream, with said predetermined grouping formulation for storage being at the elementary level. Alternately, the file and directory modules may be comprised in discrete data portions carried in an elementary data stream, with said predetermined grouping formulation for

storage being at the module level. In either arrangement, the data including file and directory modules may further comprise a version indicator to identify updates, with said modules further comprising discrete data portions carried in an elementary data stream, with said predetermined grouping formulation for storage being at the elementary level.” [0016]

As may be seen from the above, Soepenber merely describes the transmission of file and directory objects. Such file and directory objects correspond to those of a typical file system. Applicant has reviewed the entire document and submits there exists no disclosure of a “first module which identifies a plurality of modules” corresponding to data for use by an application, as recited. In contrast, Soepenber discloses transmitting modules that include files and/or directories. Additionally, the directories described in Soepenber are simply logical containers for files and do not identify a plurality of modules for an application as recited. Further, a module’s version indicator does not identify a plurality of modules used for an application. On page 8, paragraph 7 of the Office Action dated January 10, 2008, in response to Applicant’s arguments regarding a first module identifying a plurality of modules, the Examiner suggests

“Soepenber discloses an interactive television system enable television sets to be used to provide various new means for providing services to viewers (see [0001]). Such interactive television applications of Soepenber consist of one or more programs modules, wherein one module can identifies all of the modules. It is important to note that a carousel is defined as a set of modules, where a module from carousel interacts (identifies) with a plurality of modules of another carousel (see [0035]).”

However, the cited portion of Soepenber merely discloses broadcasting modules in a carousel in a particular order. More specifically, Soepenber discloses

“Providing modules on demand, as described above, requires a special interface between the multimedia platform-specific device and the storage device. The multimedia platform-specific device may not have such an interface and it may only expect a (partial) transport stream input. In that case, the storage device has to reconstruct the object carousel. Because the performance of the application may depend on the order in which the modules are being transmitted, and the broadcaster has probably put the modules in a performance-wise optimal order, it is useful to send out the modules with the same relative timestamps as in the original broadcast. The device supports the recording of the (relative) time stamps of transmission of each module that is part of the recording and the usage of these time stamps in the reconstruction of the object carousel. The time stamps can be stored as a list of tuples (time, module, version). This storage is in addition to the storage of the modules itself (one copy for each version of the module).”

What is to be appreciated from the above is that there is no disclosure of a first module that identifies a plurality of modules as recited. Instead, modules include timestamps through which their versions may be determined. None of the modules identify a plurality of other modules as corresponding to data for use by an application. For at least these additional reasons, claim 17 is patently distinct from the cited art. As each of dependent claims 18-20 includes the features of claim 17 on which it depends, each of dependent claims 18-20 is patentably distinct for at least the above reasons.

In addition to the above, the dependent claims recite features not disclosed or suggested by the cited art. For example, the cited art does not disclose the features of claim 2, which recites:

“wherein said first module comprises a main directory module which is pushed, and wherein said additional data comprises a delta directory module which corresponds to said main directory module.” (emphasis added).

In the present Office Action, it is suggested that Campbell discloses the recited delta directory module in the following:

“After the user terminal has received user identification data and has located a user module in the modules folder, the user processor scans for a user modem. In response to finding a user modem with appropriate settings, the user processor accesses the communications channel to connect with the remotely-located host terminal. The remotely-located host terminal accepts the dialed connection through the host modem. The user module update procedure then continues in a manner equivalent to the user module update procedure followed with the local host.” (Campbell, col. 7, lines 1-9).

As discussed above, Campbell merely discloses a host origin date that is data within a host module. However, neither the host origin date nor the host module is a delta directory that corresponds to the main directory. In fact, neither one is even a directory. Applicant has reviewed the above portion and the remainder of Campbell and finds no teaching or suggestion of a “delta directory module which corresponds to said main directory module.” Neither does Chari disclose all the features of claim 2. Accordingly, claim 2 is patentably distinct from the cited references alone or in combination for these additional reasons as well.

As the recited update to be made is not disclosed in the cited art, the features of claims 3 and 5 that relate to said update are not disclosed by the combination of cited art. Also, as the recited delta directory module is not disclosed in the cited art, the features of claim 4 that relate to the delta directory module are not disclosed by the combination of cited art.

Also, on page 8 of the Office Action dated January 10, 2008 regarding claim 18, it is suggested “Chari discloses the claimed ‘main directory module’” (col. 1, lines 60-67). However, claim 18 is rejected on the basis of Soepenber and Campbell, not Chari. Neither Soepenber nor Campbell discloses such a directory module. Therefore, Applicant submits the Examiner has not shown that claim 18 is unpatentable over Soepenber and Campbell.

In light of the foregoing remarks, Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5266-10500/RDR.

Respectfully submitted,

/ Rory D. Rankin /

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